



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

ORDER

APPLICATION 2262

PERMIT 938

LICENSE 491

ORDER GRANTING CHANGES IN POINT OF DIVERSION AND PLACE OF USE.

GEORGE O. YOST AND J. E. RODGERS, c/o J. E. Rodgers, Martinez, California, having established to the satisfaction of the Division of Water Resources that change as petitioned July 13, 1929, in the point of diversion and place of use under Application 2262, Permit 938, License 491, will not operate to the injury of any other appropriator or legal user of the waters of Cold Stream, tributary to South Fork of American River in El Dorado County, the Division of Water Resources so finds, and PERMISSION IS GRANTED TO MAKE SUCH CHANGES IN POINT OF DIVERSION AND PLACE OF USE AS FOLLOWS:

FROM A POINT OF DIVERSION located as follows: Beginning at the Southwest corner of Section 10, T. 11 N., R. 17 E., M. D. B. & M., thence S. 87° 10' E., 1193 feet to a road marker on the Placerville--Lake Tahoe Highway, known as 46 Mile Stone; thence Southwesterly along said highway 63.5 feet to the point where Cold Stream crosses said highway; thence N. 40° W. 250 feet up said stream to the point of diversion; said point of diversion being within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 10.

TO A POINT OF DIVERSION North 292 feet and East 775 feet from the Southwest corner of Section 10, T. 11 N., R. 17 E., M. D. B. & M., and being within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 10.

and

FROM A PLACE OF USE consisting of Lots Nos. 23, 24, 25 and 26 of 46 Mile Stone Group of United States Eldorado National Forest Summer Home Sites.

TO A PLACE OF USE consisting of Lots Nos. 22, 23, 24, 25 and 26 of 46 Mile Stone Group of United States Eldorado National Forest Summer Home Sites and being within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10, and the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15, T. 11 N., R. 17 E., M. D. M.

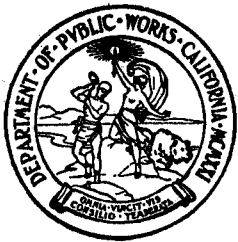
WITNESS my hand and the seal of the Department of Public Works of the State of California, this Second day of January, 1930.

EDWARD HYATT, State Engineer.

By

Harold Corbly
Deputy.





STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

ASSIGNMENT MADE

LICENSE No. 491 PERMIT No. 938 APPLICATION No. 2262

DATE REC'D

2/26/29

ASSIGNMENT TO

J. E. Rodgers of 0.001 c. f. s.

This is to Certify, That George O. Yost of Fair Oaks, California

NOTICE OF ASSIGNMENT (OVER)

ha..... made proof to the satisfaction of the Division of Water Rights of California of a right to the use of the waters of Cold Stream, located in

El Dorado County

tributary of South Fork of American River

for the purpose of domestic use

under Permit No. 938 of the Division of Water Rights and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Rights and the terms of the said permit; that the priority of the right herein confirmed dates from March 15, 1921;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed four thousandths (0.004) cubic feet per second, or approximately two thousand six hundred (2600) gallons per day, from about May 25th to about October 15th of each season.

The point of diversion of such water is located as follows:

Beginning at the Southwest corner of Section 10, T 11 N, R 17 E, M.D.M.; thence South eighty-seven degrees, ten minutes East (S 87° 10' E), eleven hundred ninety-three (1193) feet to a road marker on the Placerville-Lake Tahoe Highway known as 46 Mile Stone; thence Southwesterly along said highway sixty-three and five-tenths (63.5) feet to the point where Cold Stream crosses said highway; thence North forty degrees West (N 40° W), two hundred fifty (250) feet up said stream to the point of diversion, said point being within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 10.

A description of the lands or the place where such water is put to beneficial use is as follows:

Lots 23, 24, 25 and 26 of 46 Mile Stone Group, El Dorado National Forest Summer Home Sites.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes 1913, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided*, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and *providing*, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and *providing*, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and *providing*, further, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.



Witness the signature of the Chief of the Division of
WATER RIGHTS, Department of Public Works of the
State of California, and the seal of said department
this 10th day of March, 1926

Charles H. Palmer
Chief of Division of Water Rights, Department
of Public Works of the State of California

10/24/49 RECEIVED NOTICE OF ASSIGNMENT to *Int J. N.*
Meredith to William Frost
10/23/52 RECEIVED NOTICE OF ASSIGNMENT to *Partial Int J. Charles H. Palmer*
to Rose N. Palmer; Int J. E. Rodgers
to Ruth C. Rodgers

10-8-64 RECEIVED NOTICE OF ASSIGNMENT to *Int J. Ruth C. Rodgers to William R. Gallagher*

10-8-64 RECEIVED NOTICE OF ASSIGNMENT to *Int J. Charles H. Palmer*
to Rose N. Palmer

10-26-70 RECEIVED NOTICE OF ASSIGNMENT to *Int J. Rose N. Palmer assigned to Miss Lore Pictorial*

LICENSE NO. _____
STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RIGHTS

LICENSE
TO APPROPRIATE WATER

ISSUED TO _____

DATED _____

L 491 (Contd)

-12-76 Records chgd to show Richard L. + Muriel R. Gallagher; Vivian Yost; Tom Cercel; Frank L. Menacho; Anna Klay as owners

1/22/77 - Int. of Tom Cercel asgd. to Robert W. and Patricia R. Ericson

-24-83 Asgd to Richard L. Gallagher, Vivian Yost, Robert W. Ericson, Patricia R. Ericson, Frank L. Menacho + Anna Klay

-17-83 Int of Frank L. Menacho asgd to John A. + Betty Jane Cunningham